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Swift Transportation Co. of Arizona, LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAURA PETERS,

Plaintiff,

V.

SWIFT TRANSPORTATION CO. OF ARIZONA, LLC; DOE DRIVER; DOES I through XX, inclusive; and ROE BUSINESS ENTITIES I through XX, inclusive,

Defendants.

Case No. 2:19-cv-00874-GMN-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

Defendant Swift Transportation Co. of Arizona, LLC (“Swift”) and Plaintiff Laura Peters (“Ms. Peters” or “Plaintiff”), by and through their respective undersigned counsel, hereby stipulate and agree to extend the current discovery deadlines set forth in the Scheduling Order entered on March 18, 2022 (ECF No. 70) pursuant to LR 26-3. This is the twelfth stipulation to extend the discovery deadlines.

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1 **A. Statement Specifying the Discovery Completed**

2 To date, the parties have completed significant written discovery. Plaintiff has disclosed
3 fifty-seven supplements to her Rule 26(a) initial disclosures, identifying over 50 witnesses and
4 thousands of pages of records. Plaintiff has also responded and provided supplemental responses
5 to several sets of requests for production and interrogatories. Swift has also disclosed over a
6 thousand pages of records and subpoenaed records from dozens of medical providers. The parties
7 have also served and responded to Rule 34 vehicle inspection requests. Further, three medical
8 examinations of Ms. Peters arranged by Swift have taken place.

9 As for experts, the parties have disclosed initial and rebuttal experts. Plaintiff identified
10 nine medical professionals as non-retained medical expert/treating physicians. Plaintiff further
11 identified ten initial experts, in the areas of accident reconstruction/biomechanical, spinal surgery,
12 orthopedics, economics, radiology, neuropsychology, neurology, addiction, life care planning, and
13 occupational therapy. Swift has identified ten experts, in the areas of spinal surgery, orthopedics,
14 neurology, life care planning, psychiatry, accident reconstruction/biomechanical, economics,
15 neuropsychology, neuropsychopharmacology, and neuroradiology.¹

16 As for depositions, Swift deposed Plaintiff on March 9, 2021; eight fact witnesses (Cipra
17 Dominitz on April 23, 2021, Kemba Kessee on April 27, 2021, Jessalyn Pitz on April 30, 2021 and
18 May 25, 2021, Heather Swonick on May 4, 2021, Spencer Peters on May 11, 2021, Julie Chapin
19 on June 25, 2021, Kelli Thornton on January 5, 2022, and Kevin Thornton on January 5, 2022);
20 eight treating providers (Richard Tull, EMT on April 23, 2021, Raymond Mathieson, PA-C, on
21 May 11, 2021, Dr. Jaswinder Grover on June 10, 2021 and March 10, 2022, Dr. Xin Nick Liu on
22 June 14, 2021, Dr. Abiog on March 1, 2022, Dr. Catapano on March 17, 2022, Dr. Badday on May
23 24, 2022, and Dr. Al-Hawarey on June 2, 2022); and eight experts (Dr. Clauretie on January 27,
24 2022, Dr. Fazzini on February 16, 2022, Dr. Bashcaron on February 18, 2022, Dr. Hirschfeld on
25 February 28, 2022, Dr. Loong on March 8, 2022, Dr. Garber on March 10, 2022, Dr. Snyder on
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27 ¹ The descriptions of the parties' experts' areas of expertise is for information purposes only, and in no
28 way is intended or should be construed as defining or otherwise limiting the scope or expertise of said
experts.

1 April 11, 2022, and Mr. Lamoreaux on May 26, 2022). Plaintiff has deposed eight expert
2 witnesses (Dr. Fontes on January 13, 2022, Dr. Mills on January 14, 2022, Dr. Funk on January 20,
3 2022, Dr. Villanueva on February 1, 2022, Dr. Tamm on February 7, 2022, Ms. Xitco on March
4 23, 2022, Dr. Linetsky on March 24, 2022, and Dr. Montesano on May 11, 2022).

5 **B. Specific Description of the Discovery that Remains to be Completed**

6 Discovery in this case has been ongoing and additional discovery remains to be
7 completed, including, but not limited to:

- 8 • *Written Discovery.* The parties are meeting and conferring over past responses and
9 Swift will continue to evaluate the need for additional requests or subpoenas
10 depending on how discovery progresses, particularly since Ms. Peters is still
11 undergoing treatment.
- 12 • *Experts.* The parties intend to disclose additional supplements as necessary.
- 13 • *Depositions.* The parties intend to complete depositions of each side's experts. Swift
14 intends to take an additional deposition of Plaintiff, approximately two more fact
15 witness depositions, and four more treating provider depositions, as further identified
16 below.
- 17 • All other discovery deemed necessary by the parties in accordance with the scheduling
18 order and permitted by law.

19 **C. Reasons Why Discovery was not Completed**

20 Since the last discovery extension, the parties have progressed in discovery, primarily
21 taking depositions, providing expert supplements, and producing additional medical records. In
22 addition, the parties attempted to participate in a mediation (the mediator canceled at the eleventh
23 hour and the parties are in the process of rescheduling), Plaintiff received additional medical
24 treatment, including undergoing an additional surgery on May 26, 2022, and the parties faced
25 certain scheduling difficulties with the remaining depositions. Given these issues, the parties
26 request an additional thirty days to complete discovery in this matter, as discussed below.

27 The following depositions are scheduled: Plaintiff's additional deposition of Dr.
28 Montesano (7/20) and Defendant's deposition of Dr. Croft (6/17). Defendant intends to take an



1 additional deposition of Plaintiff once she recovers from her recent medical procedures, with a
2 target date of the second half of July. Defendant intends to depose two additional fact witnesses,
3 Bonnie Clear and Valerie Tucker, two additional treating providers, Mr. Wach and Dr. Ghuman,
4 and potentially two additional treating providers with whom Plaintiff first treated quite recently,
5 Dr. Dixit and Dr. Velazquez. The parties are conferring on scheduling these remaining
6 depositions. Moreover, given the ongoing treatment, the parties and their experts are also working
7 earnestly on providing appropriate supplements and would greatly appreciate the additional time to
8 do so.

9 The parties recognize the need and urgency to complete discovery in this matter, given the
10 age of this matter and number of extensions, and appreciate the Court's indulgence. They will
11 continue to work in good faith to complete discovery.

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1 **D. Proposed Schedule for Completing Remaining Discovery**

Event	Current Deadline (ECF No. 70)	Proposed Deadline
Discovery Cutoff	06/28/2022	07/28/2022
Deadline Amend Pleadings/Add Parties	Passed	Passed
Initial Expert Disclosure	Passed	Passed
Rebuttal Expert Disclosure	Passed	Passed
Dispositive Motions	07/28/2022	08/29/2022
Pretrial Order	30 days after the dispositive motion deadline unless dispositive motions are pending, in which case, the deadline would be 60 days after the order on the dispositive motion(s) is issued.	Same

If dispositive motions are filed, the deadline for filing the pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them must be included in the pretrial order.

DATED: June 16, 2022

DATED: June 16, 2022

/s/ *Ryan T. Gormley*
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/s/ *Ramzy Paul Ladah (with permission)*
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Laura Peters

IT IS SO ORDERED.

DATED: June 16, 2022

Ryan J. Zouchak
UNITED STATES MAGISTRATE JUDGE